

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Zohar III, Corp., et al.	:	Chapter 11
	:	
Debtors.	:	Case No. 18-10512 (KBO)
	:	
_____	:	
LYNN TILTON, et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 19-1874-MN
	:	Bankruptcy BAP No. 19-56
ZOHAR III, CORP., et al.,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this 7th day of **November, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties advised that they had previously attempted mediating the underlying issues with Judge Kevin Gross prior to litigating this matter before the Bankruptcy Court. The mediation nor the ensuing litigation have not resolved the parties'

underlying disagreement. As a result, the parties request to be withdraw from mandatory mediation.

The parties suggested the following briefing schedule:

Appellants Opening Brief	November 8, 2019
Appellee Answering Brief	December 9, 2019
Appellants Reply Brief	December 20, 2019.

Because this Recommendation was not issued until this date requesting removal of this matter from mandatory mediation, the parties may request a change in the briefing schedule.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.

IT IS FURTHER RECOMMENDED that due the recent issuance of this Recommendation, the parties may request a change in their proposed briefing schedule which is recommended to be granted. Until this Recommendation was issued, the parties were unaware that it would be recommended that this appeal be removed from mandatory mediation.

Since this Recommendation is consistent with the parties request, no objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng